

**REMARKS**

Claims 17-19 have been amended to more clearly recite that which Applicant regards as the invention and to correct for a lack of antecedent basis. Entry of the Amendment is respectfully requested. Claims 7-19 and 21-25 are pending, with Claims 7-16 being withdrawn from consideration.

**Response to Rejection Under 35 U.S.C. §112**

Claims 17-19 and 21-25 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement.

Claims 17-19 and 21-25 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite.

Applicants have reviewed the Examiner's rejection, and amended the claims to more clearly recite that which Applicants regard as the invention and to correct for the lack of antecedent basis. Accordingly, withdrawal of the rejection is requested.

**Response to Rejections Under § 103**

Claims 17-19 and 20-25 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over EP 0751567 to Andricacos et al in view of U.S. Patent Application Publication No. 2004/0188850 to Lee and further in view of U.S. Patent Application No. 2003/0155655 to Fitzsimmons. Applicants respectfully traverse.

Lee has a U.S. filing date of March 28, 2003, which is later than Applicants' foreign priority date of December 9, 2002. Thus, Applicants submit herewith a verified English translation of their priority document, which contains support for the present claims in at least the following passages:

<b>Claim</b>	<b>Support in JP 2002-356291</b>
17	Claim 1, Claim 7, Claim 9 and paragraphs [0068] and [0125]
18	Claim 1, Claim 4, Claim 7, Claim 9 and paragraphs [0068] and [0125]
19	Claim 1, Claim 5, Claim 7, Claim 9 and paragraphs [0068] and [0125]
21	Claim 3
22	Claim 4
23	Claim 6
24	Paragraph [0061]
25	Paragraph [0061]

Accordingly, Applicants respectfully submit that Lee does not constitute prior art.

Moreover, Fitzsimmons discloses a structure in which a getter layer is included in a liner (barrier metal film), which indicates partial oxidization of the barrier metal film.

In contrast, the present claims relate to a barrier metal film which is not at all oxidized. Applicants submit that this is a significant difference between the present invention and Fitzsimmons.

Accordingly, Andricacos and Fitzsimmons fail to render obvious the present claims. Withdrawal of the rejection is respectfully requested.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

AMENDMENT UNDER 37 C.F.R. § 1.114(c)  
Application No.: 10/538,306

Attorney Docket No.: Q88465

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

WASHINGTON OFFICE

**23373**

CUSTOMER NUMBER

Date: January 26, 2009

*Howard L. Bernstein / Bruce Kremen*  
Howard L. Bernstein  
Registration No. 25,665  
*Reg. No. 33,725*